



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

JUN 21 2006

The Honorable Mark Sanford
Governor
State of South Carolina
Post Office Box 12267
Columbia, South Carolina 29211

Dear Governor Sanford:

The Secretary has considered your petition requesting the initiation of a state-specific rulemaking to address the management of inventoried roadless areas, per 36 CFR 294. This petition has been reviewed by the Roadless Area Conservation National Advisory Committee, and the Committee has provided the Secretary with their advice and recommendations.

Based upon our review of the petition and the report of the Advisory Committee, we have determined that regulatory direction is appropriate in this case and your petition is accepted. By copy of this letter I am directing the Forest Service to begin the notice and comment rulemaking process. Together we should now proceed with the following actions:

- (a) Develop a federal/state memorandum of understanding documenting the state's participation as a cooperating agency in the conduct of the appropriate level of environmental analysis required by the National Environmental Policy Act, and documentation of other appropriate duties that both parties agree to;
- (b) Coordinate the development of the proposed rule, considering the advice and recommendations of the Committee, and any further discussions between the federal and state governments;
- (c) Determine and carry out the appropriate level of environmental analysis, consultation with tribal governments; and Endangered Species Act consultation required for this rulemaking; and
- (d) If necessary, set the framework for this rulemaking to simultaneously amend the land management plans involved.

The Honorable Mark Sanford
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It is important to recognize that the disposition of this petition is only a starting point. The proposed rule will be subject to notice and comment requirements under federal law. The Forest Service will have the responsibility to work cooperatively with the State to develop a proposal to establish regulatory direction for the management of inventoried roadless areas in the state. However, the authority for final adoption of any federal rule is reserved to the Secretary or his designee after consideration of the public comment and advice provided by the Roadless Advisory Committee.

We appreciate your cooperation and efforts to date in assisting the Department, the Forest Service, and the Advisory Committee to understand and continue to refine your proposal. I also want to add my personal appreciation for your interest in the conservation and management of inventoried roadless areas, and look forward to our continued mutual cooperation in this endeavor.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Rey", with a stylized flourish at the end.

MARK REY
Under Secretary
Natural Resources and Environment

Enclosure -- Roadless Advisory Committee Advice to the Secretary on State Petition

cc: Dale Bosworth, Chief

Roadless Area Conservation National Advisory Committee

Committee Members

Darin Bird
Utah Department of
Natural Resources

Adena Cook
Blue Ribbon Coalition

Robert Cope
Lemhi County
Commissioner, Idaho

Jeff Eisenberg
National Cattlemen's Beef
Association

Paul Hansen
Isaiah Walton League of
America

Dale Harris
Co-Chair
Montana Wilderness
Association

Geraldine Link
National Ski Areas
Association

Jim Riley
Intermountain Forest
Association

Greg Schaefer
Co-Chair
National Mining
Association and Arch Coal

Todd Schulke
Center for Biological
Diversity

Denny Scott
United Brotherhood of
Carpenters

Ray Vaughan
WildLaw

Chris Wood
Trout Unlimited

Susan Yonts-Shepard
Designated Federal
Officer

June 13, 2006

The Honorable Mike Johanns
Secretary of Agriculture
United States Department of Agriculture
1400 Independence Ave. SW
Mail Stop Code 0108, Room 217E
Washington, DC 20250-0108

RE: Advice of the RACNAC on South Carolina Roadless Petition

Dear Mr. Secretary:

Following is the unanimous advice of the Roadless Area Conservation National Advisory Committee (RACNAC) to you and to Under Secretary Mark Rey on the Petition of South Carolina Governor Mark Sanford under 36 C.F.R. 294, Subpart B "Special Areas; State Petitions for Inventoried Roadless Area Management". Our recommendations and advice are timely; the deadline for their submission is July 18th 2006.

The RACNAC advises you to accept the South Carolina petition for rulemaking. Prior to the commencement of rulemaking, we understand that per 36 C.F.R. 294.14[8] South Carolina will enter into an agreement, or Memorandum of Understanding (MOU), to participate as a cooperating agency in the rulemaking process.

We recommend and advise the following, to you and to the State of South Carolina, based on our evaluation of the petition:

- In the Memorandum of Understanding (MOU) between the State and the Department, general references to the 2001 Rule should be replaced with specific management requirements that apply to specific lands, including, but not limited to, maps, acreages, prescriptions, provisions, exceptions, and effective dates.
- In the rulemaking, the State and the Department should present information on and consider:
 - assessment of minerals, existing leases, and other valid and existing rights;
 - consideration of technical corrections on maps, as necessary;
 - maintenance backlog on roads distinguishing between agency responsibilities and permit holders;

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- trend data on future recreation demand, and
- the State and Forest Service should provide relevant data on land conversion, the identification of sprawl and loss of open space, and forest and land conservation data, as appropriate.
- As appropriate, in the rulemaking, the State should identify specific issues (e.g. fish, wildlife, management), if any, applicable in each of the South Carolina roadless areas.
- As appropriate, in the rulemaking, the State and the Forest Service should cooperate to clearly articulate the management differences between the State's petition and the Forest Service's current direction, specific to each roadless area. These differences should be then addressed within the rulemaking's public involvement and environmental analyses processes.

Thank you for your consideration of our advice and recommendations on South Carolina's petition. Do not hesitate to contact us if we can be of further assistance.

On behalf of the RACNAC,



Dale Harris,
RACNAC Co-Chair

/S/ Greg Schaefer

Greg Schaefer,
RACNAC Co-Chair

Cc: Governor Mark Stanford
Mark Rey, Under Secretary USDA
Dale Bosworth, Chief USFS
All RACNAC Committee Members

Dave Beane & Susan Lyons-Stephens ✓